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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,831	02/18/2004	Roger D. Hewson		3730

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EXAMINER
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ART UNIT	PAPER NUMBER
3714	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/780,831	HEWSON, ROGER D.
	Examiner	Art Unit	
	Nikolai A. Gishnock	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _18 February 2004_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-18_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-18_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _18 February 2004_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage

        application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _5/17/2004_.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1.   The information disclosure statement filed 5/17/2004 fails to comply in its entirety with 37

CFR 1.98(a)(2), which requires a legible copy of each non-patent literature publication or that

portion which caused it to be listed; and all other information or that portion which caused it to

be listed. The Information Disclosure Statement has therefore been placed in the application

file, but the deficient information therein not been considered.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

3.   Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete

for omitting essential structural cooperative relationships of elements, such omission amounting

to a gap between the necessary structural connections. See MPEP § 2172.01. It is unclear

what part of the system recited in claims 1-18 performs the recited method steps of, "identifying

the cognitive architecture of an entity", "assessing the extent of preference of an entity", "utilizing

two pairs of cognitive functions to enhance the attributes and effectiveness of another unrelated

cognitive element assessment means", or "combining four individual reasoning functions into

four other new and distinct combinations of reasoning cognition". The claims fail because

interrelated structural cooperative relationships of elements described are necessary to practice

the invention.

4.   Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The limitation in claim 1 reciting, "the general nature of each of said functions matches its American dictionary definition", fails to distinctly identify a dictionary used in the United States of America, containing definitions that the Applicant matches to the description of the functions claimed, thus it is vague and indefinite. The dependent claims 2 & 3 inherit this deficiency.

5.   Claims 15-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The limitation reciting, "said four quadrants are made up of combinations of one cognitive function from a first Reasoning pair.... and one function from a second pair....", fails to distinctly point out which of the two pairs of functions makes up which of the four quadrants, thus it is vague and indefinite. The dependent claims 16-18 inherit this deficiency.

6.   Claims 5, 6, 7, & 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The antecedent bases are unclear for the limitation "said pairs of complementary left-brain style functions and right-brain style functions" in the preamble of claim 5, for the limitation "the Reasoning, Relating, and Action sectors of cognition" in the preamble of claim 6, for the limitation "said left-brain style and right-brain style functions" in the preamble of claim 7, for the limitation "all the characteristics and attributes of said functions of Imagination plus Intuition" in part (a), in claim 17, for the limitation "all the characteristics and attributes of said functions of Imagination plus Analysis" in part (b), in claim 17, for the limitation

"all the characteristics and attributes of said functions of Reality plus Analysis" in part (c), in

claim 17, and for the limitation "all the characteristics and attributes of said functions of Reality

plus Intuition" in part (d), in claim 17. The format of making reference to limitations in unrelated

claims is improper.

Claim Rejections - 35 USC § 102

7.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8.   Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Wood et al. (US

2002/0045154 A1), hereinafter known as Wood. Wood discloses a system and method for

understanding and developing the cognitive abilities of an entity comprising the step of:

identifying the cognitive architecture of said entity as the sum of twelve cognitive functions (an

objective of the invention is to provide a method and system for determining and classifying an

individual's "personality DNA" based upon various personality instruments, behavior,

psychographics, demographics, beliefs and preferences, Para. 0040) wherein: (a) said twelve

cognitive functions are Reality (down-to-earth, Para. 0225), Imagination (creative, Para. 0214),

Analysis (intelligent, understanding, Para. 0217), Intuition (Individualistic, intuitive, Para. 0211),

Listening (absorbed, non-verbal, Para. 0222), Expressing (articulate, expressive, dramatic,

Para. 0212), Cooperation (Team Player, contributor, Para. 0224), Independence (loners,

freedom, Para. 0221), Caution (conscientious, responsible, Para. 0223), Courage (bold,

entrepreneurial, Para. 0219), Adapting (selfless, adaptable, Para. 0213), and Deciding (Born

Leader, take-charge, Para. 0216); (b) the general nature of each of said functions matches its

American dictionary definition (words are used as defined in the Applicant's specification); and

(c) each of said functions may be referred to in the form of a noun, verb, adjective, and other

equivalent word defining the character of said function (such as the Promoter, the Crafter, the

Composer, the Supervisor, the Inspector, the Provider, the Teacher, the Counselor, the

Champion, the Healer, the Fieldmarshal, and the Architect, Para. 0237-0256; these descriptors

are all nouns) [Claim 1].

Claim Rejections - 35 USC § 103

9.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

10.   The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459

(1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

    1.   Determining the scope and contents of the prior art.
    2.   Ascertaining the differences between the prior art and the claims at issue.
    3.   Resolving the level of ordinary skill in the pertinent art.
    4.   Considering objective evidence present in the application indicating obviousness
            or nonobviousness.

11.   Claims 2, 4, 5, 8-12, & 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Wood. Wood teaches the step of matching said twelve cognitive functions in pairs of

complementary left-brain style and right-brain style functions (Whole Brain Model comprises

thinking styles linked to particular regions of the brain, with processes occurring on the left or

right, Para. 0010-0019) wherein: said left-brain style functions consisting of said functions of

Reality, Analysis, Listening, Cooperation, Caution, and Adaptability are associated with a

slower, objective, conscious, and divergent left-brain character of serial cognitive processing

(analytical, quantitative, fact-based, Para. 0012); and said right-brain style functions consisting

of said functions of Imagination, Intuition, Expressing, Independence, Courage, and

Decisiveness are associated with a faster, subjective, subconscious, and convergent right-brain

character of parallel cognitive processing (Intuitive, holistic, integrating, synthesizing, Para.

0014) [Claims 2, 4 & 5]. What Wood fails to explicitly teach is that pairs consist of said functions

of Reality with Imagination, Analysis with Intuition, Listening with Expressing, Cooperation with

Independence, Caution with Courage, and Adaptability with Decisiveness [Claim 2]. However,

Applicant has not disclosed that having the functions paired as specified solves any stated

problem or is for any particular purpose. Moreover, it appears that the pairings of Extroversion

with Introversion, Sensation with Intuition, Thinking with Feeling, and Judging with Perceiving of

Wood (Para. 0227-0231) or the Applicant's instant invention would perform equally well for

pairing cognitive functions based on left-brain- or right-brain-dominant thinking styles.

Accordingly, it would have been obvious to one of ordinary skill in the art, at the time the

invention was made, to have modified Wood such that the pairs consist of said functions of

Reality with Imagination, Analysis with Intuition, Listening with Expressing, Cooperation with

Independence, Caution with Courage, and Adaptability with Decisiveness, because such a

modification would have been considered a mere design consideration, which fails to patentably

distinguish over Wood [Claims 2, 4, 5, & 12]. Wood further teaches a system and method

comprising the step of assessing the extent of preference of an entity for each of twelve

cognitive functions using a preference survey instrument (user completes a personality test or a

psychographics questionnaire, Para. 0176) wherein: said preference survey instrument uses an

assessment means to establish an extent of preference of an entity for each of twelve functions

on a scale of low to high (characteristics or degrees to which a personality dimension exists are measured on a scale {i.e. 1-10}, Para. 0182-0188; "1" is inherently a low number, and "10" a high number); and an assessment means consists of evaluating any number of cognitive trait items to indicate a degree of preference of an entity for each trait item that is individually related to each of the twelve functions (upon completion of a particular test, the user may also be presented with additional questions {items} or additional tests, Para. 0176; thus, any number of questions could be presented; each personality dimension {degree of preference for each trait item} indicates a personality type {one of the twelve cognitive functions}, Para. 0188) [Claims 4 & 14]. Wood teaches the step of using a preference survey instrument assessment to provide information to: guide in recognizing an entity's greater preference for using one of the functions in each of the pairs, recognize an entity's lesser preference for using one of the functions in each of the pairs and identifying an entity's extent of preference for one of said functions over the other in each of said six pairs of said functions (the system compares the user's scores and results against the classification scheme, the system then determines the closest match and presents the classification to the user, Para. 0282; Wood also recognizes the dominance of one of a pair of traits in Para. 0019; dominance is understood here to be preference); and using the information (invention matches content, advice, and people {to a user} based upon the data provided and the classifications determined, Para. 0284) to better understand the naturally preferred functions of an entity (content is understood to be stories and articles of particular relevance to a personality type, Para. 0290), and to enhance the development of cognitive capabilities of an entity (advice that the user is actively seeking is offered based on personality, demographics, behavior, preferences, and other data gathered, Para. 0305); [Claims 8 & 9]. Wood teaches the step of providing a report on a preference survey instrument identifying said entity's preferences (classification model nodes indicate a personality type, or a weighted

average of user traits, Para. 0182-0188; also declared preferences, Para. 0149-0163; further, the system presents the classification to the user, Para. 0282; and, content displayed to the user includes raw scores on each scale, graphical representations of the scores, the title of the classification, and descriptive text of the user's personality, Para. 0295-0296) [Claim 8]. Wood teaches the utilization of two pairs of cognitive functions utilized in conjunction with unrelated cognitive element assessment means; the cognitive elements of said unrelated cognitive element systems are substituted for any of Reality, Imagination, Analysis, Intuition, Listening, Expressing, Adapting, and Deciding cognitive functions (the system is able to recognize certain question and test combinations, and is able to access the {multi-model and scoring} database to retrieve a corresponding classification scheme, if multiple models are used, {the system} will further categorize the user by using a model to incorporate many personality, psychographic, demographic, and behavioral models, Para. 0259-0260; the example in Para. 0260 demonstrates combining disclosed models to further classify the user; because the classification schemes are corresponding, the elements and functions inherently can be substituted across cognitive systems by Wood) [Claim 10]. What Wood fails to explicitly teach is wherein said pairs of functions are Cooperation plus Independence and Caution plus Courage; However, Applicant has not disclosed that having these specific pairs of functions solves any stated problem or is for any particular purpose. Moreover, it appears that the pairings such as Extroversion with Introversion, Sensation with Intuition, Thinking with Feeling, and Judging with Perceiving of Wood (Para. 0227-0231) or the Applicant's instant invention would perform equally well for pairing cognitive functions based on left-brain- or right-brain-dominant thinking styles. Accordingly, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have modified Wood such that the pairs consist of said functions of Cooperation with Independence and Caution with Courage, because such a modification would

have been considered a mere design consideration, which fails to patentably distinguish over

Wood [Claim 10]. The limitations, "to enhance the effectiveness and practical use of said

unrelated means", "to enhance the attributes and effectiveness of other unrelated cognitive

element assessment means", and "the intent is to replicate the unique and original attributes of

any of said functions and the comprehensive nature and features of said combination of said

twelve functions and said equivalents", are intended uses of the system, and thus is not

afforded patentable weight. See MPEP 2114 [Claim 10]. Wood teaches the step of using any

cognitive elements of the MBTI method (Personality data used includes Myers-Briggs Type

Indicator and the Kiersey Temperament Sorter, Para. 0113-0114) [Claim 11]. The limitation,

"with the purpose of approximately substituting said elements for any number of said twelve

cognitive functions wherein said substitutions may include substituting said Reality function of

this invention with a sensing element of MBTI, substituting said Imagination with intuition,

substituting said Analysis with thinking, substituting said Intuition with feeling, substituting said

Listening with introversion, substituting said Expressing with extraversion, substituting said

Adaptability with perceiving, and substituting said Decisiveness with judging, with the intent of

using other labels, names and elements as substitutes for any of said twelve cognitive functions;

and with the intent to replicate the attributes and features of any of the twelve functions", is an

intended use of the system, and thus is not afforded patentable weight. See MPEP 2114 [Claim

11]. Wood discloses a system and method comprising the step of combining four individual

functions into four other quadrants of cognition, wherein: four quadrants are made up of

combinations of one cognitive function from a first pair and one function from a second pair

(Pribram suspected that four different modes of thought were all processed in different

quadrants of the left and right hemispheres' frontal and basal lobes {of the uppermost cerebral

cortex of the brain}, Para. 0020; four-way modes of thought, Para. 0021-0028; the first and

second pairs of functions from either the left or ride side of the brain) [Claims 15-18]. What

Wood fails to teach is where said resulting quadrants are individually referred to as a Creative

Quadrant, a Strategic Quadrant, an Organizational Quadrant, and an Achievement Quadrant

[Claim 15], a first Reasoning pair consisting of the Reality function is paired with the Imagination

function, and the Analysis function is paired with the Intuition function [Claims 15 & 16], and

wherein the Creative Quadrant combining all the characteristics and attributes of functions of

Imagination plus Intuition; said Strategic Quadrant combining all the characteristics and

attributes of functions of Imagination plus Analysis; said Organizational Quadrant combining all

the characteristics and attributes of functions of Reality plus Analysis; and said Achievement

Quadrant combining all the characteristics and attributes of functions of Reality plus Intuition

[Claim 17]. However, Applicant has not disclosed that having these specific names for the four

quadrants comprising specific pairs of functions solves any stated problem or is for any

particular purpose. Moreover, it appears that the quadrants of Front Left, Front Right, Basal Left,

and Basal Right quadrants (Para. 0021-0027), or A through D quadrants (Para. 0011-0018),

containing the pairings of personality data as demonstrated above, as defined in Wood, or the

Applicant's instant invention would perform equally well for further categorizing cognitive

function pairs into four categories. Accordingly, it would have been obvious to one of ordinary

skill in the art, at the time the invention was made, to have modified Wood such that the

resulting quadrants are individually referred to as a Creative Quadrant combining all the

characteristics and attributes of functions of Imagination plus Intuition, a Strategic Quadrant

combining all the characteristics and attributes of functions of Imagination plus Analysis, an

Organizational Quadrant combining all the characteristics and attributes of functions of Reality

plus Analysis, and an Achievement Quadrant combining all the characteristics and attributes of

functions of Reality plus Intuition, and a first Reasoning pair consisting of the Reality function is

paired with the Imagination function, because such a modification would have been considered

a mere design consideration, which fails to patentably distinguish over Wood [Claims 15-17].

Wood discloses the step of assessing the extent of preference of an entity for each of four

quadrants using a preference survey instrument (personality data based on Carl Jung's work,

Para. 0111; of which the Whole Brain Model and Pribram's Models are derivative of, Para.

0019) wherein: said preference survey instrument uses an assessment means to establish a

degree of preference of said entity for each of said four functions on a scale of low to high

(characteristics or degrees to which a personality dimension exists are measured on a scale

{i.e. 1-10}, Para. 0182-0188; "1" is inherently a low number, and "10" a high number); said

assessment means consists of evaluating any number of cognitive trait items (upon completion

of a particular test, the user may also be presented with additional questions {items} or

additional tests, Para. 0176; thus, any number of questions could be presented; each

personality dimension {degree of preference for each trait item} indicates a personality type {one

of the twelve cognitive functions}, Para. 0188); an extent of preference for each of said four

quadrants is determined by the cumulative extent of preference for said two functions of each

quadrant (the system compares the user's scores and results against the classification scheme,

the system then determines the closest match and presents the classification to the user, Para.

0282; Wood also recognizes the dominance of one of a pair of traits in Para. 0019; dominance

is understood here to be preference; also, using the questions, the test determines the

{personality} combinations from to or more scales creating four variants for each of the

temperaments, Para. 0235; the totals {for each answer} are calculated using simple addition,

the total number of Extroversion/Introversion question type answers is summed up, Para. 0236),

and a means of reporting this information to said entity (the system presents the classification

to the user, Para. 0282; and, content displayed to the user includes raw scores on each scale,

graphical representations of the scores, the title of the classification, and descriptive text of the user's personality, Para. 0295-0296) [Claim 18]. The limitations, "to indicate a degree of preference of said entity for each of said trait items that are individually related to each of said four functions", and, "is used to convey the nature and extent of the cognitive function preferences of the individual", and, "to use the information for cognitive development purposes" are intended uses of the system, and thus is not afforded patentable weight. See MPEP 2114 [Claim 18].

12.   Claims 3, 6, & 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wood, as applied to claims 1, 4, & 10 above, and further in view of Bouchard (US 2001/0034011 A1), hereinafter known as Bouchard. Wood teaches all the features as demonstrated above in the rejections of claims 1, 4, & 10. What Wood fails to teach is the step of associating sets of said cognitive functions with Reasoning, Relating, and Action sectors of cognition [Claims 3, 6 & 13]. However, Bouchard teaches a personality-based system for the selection of personnel for job positions, including criteria from three different categories, including Reasoning (whether the candidate is qualified), Action (whether the candidate can produce results), and Relating (whether the candidate is likely to be motivated to produce results, all in Para. 0053). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have delineated the cognitive functions of Wood into the three sectors of Bouchard, in order to aid in evaluating a candidate's fitness for a job, and how much weight to assign each of the positional criterion [Claims 3, 6, & 13]. What Wood further fails to teach is wherein the cognitive functions of Reality, Imagination, Analysis, and Intuition are associated with the Reasoning sector of cognition; the functions of Listening, Expressing, Cooperation, and Independence are associated with the Relating sector of

cognition; and the functions of Caution, Courage, Adaptability, and Decisiveness are associated

with the Action sector of cognition [Claims 3, 6, & 13]. However, Applicant has not disclosed that

having these specific names for the three sectors comprising specific functions solves any

stated problem or is for any particular purpose. Moreover, it appears that the cognitive sectors,

containing the Theoretical, Utilitarian, Aesthetic, Social, Individualistic, and Traditional cognitive

functions of Bouchard (Para. 0048), or the Applicant's instant invention would perform equally

well for further categorizing cognitive function pairs into three sectors. Accordingly, it would have

been obvious to one of ordinary skill in the art, at the time the invention was made, to have

modified Wood in light of Bouchard, such that the cognitive functions of Reality, Imagination,

Analysis, and Intuition are associated with the Reasoning sector of cognition; the functions of

Listening, Expressing, Cooperation, and Independence are associated with the Relating sector

of cognition; and the functions of Caution, Courage, Adaptability, and Decisiveness are

associated with the Action sector of cognition, because such a modification would have been

considered a mere design consideration, which fails to patentably distinguish over Wood and

Bouchard [Claims 3, 6, & 13].

13.   Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wood, as applied

to claim 4 above, and further in view of Buffington et al. (US 6,159,015), hereinafter known as

Buffington. Wood discloses all the features as demonstrated above in the rejections of claim 4,

including using a preference survey instrument assessing the extent of preference of an entity

for each of twelve cognitive functions (user completes a personality test or a psychographics

questionnaire, Para. 0176) in pairs of complementary left-brain style and right-brain style

functions (Whole Brain Model comprises thinking styles linked to particular regions of the brain,

with processes occurring on the left or right, Para. 0010-0019). What Wood fails to teach where

the preference survey instrument has any number of complementary statement pairs of left-brain and right-brain style functions wherein: each pair is associated with traits specific to each of the two of said functions in one of said pairs; each statement within a pair is configured to represent a trait related a function; and each of said individual statement items may be selected from a group consisting of a descriptive word, a phrase, a question, and a behavior [Claim 7]. However, Buffington teaches a system for profiling an individual's current level of personal effectiveness, by administering survey instruments for determining the user's temperaments and preferences, including a questionnaire having complementary statement pairs of left-brain (extroversion, sensation, and thinking) functions, and right- brain (Introversion, intuition, and feeling) functions (Figures 6a, 6b, 7a, 7b, 8a, & 8b; also, pairs of substantially opposed statements are presented to the individual, 4:50-5:35). The statements represent traits, such as how the individual gathers information, which relates to the functions of sensation and intuition, and how the individual processes information, which relates to the functions of thinking and feeling (5:7-15). The individual statement item examples are phrases, containing descriptive words, and indicate behaviors ({I tend to} Move toward activity and action., Figure 6a). The statement style of Buffington would be used in a questionnaire or survey, measuring the cognitive functions of an entity, as taught by Wood. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have included complementary statement pairs of left-brain and right-brain style functions, wherein each pair is associated with traits specific to each of the two of said functions in one of said pairs, each statement within a pair is configured to represent a trait related a function, and each of said individual statement items may be selected from a group consisting of a descriptive word, a phrase, a question, and a behavior, as taught by Buffington, in the preference survey instrument of the system for assessing the extent of preference of an entity for each of twelve cognitive

functions, as taught by Wood, for the purpose of measure current functioning modes of an

individual, to assess whether an individual is operating positively or negatively within his or her

profile type [Claim 7].

Conclusion

14.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure. Shovers (US 5,696,981) discloses a personality analyzer using, among others, the

subject's responses to a predefined quiz, to gain insight to the subject's psychological state and

personality. Dewar (US 2003/0200136) discloses a system and method for evaluating

employees by providing a questionnaire, and using the results to rank the competencies of the

employees for screening, selecting, or performance evaluation. Lacy et al. (US 6,524,109 B1)

discloses a skill set assessment system to assess a user's proficiency at performing a pre-

determined set of skills.

Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Nikolai A. Gishnock whose telephone number is 571-272-1420. The

examiner can normally be reached on M-F 8:30a-5p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Robert E. Pezzuto can be reached on 571-272-6996. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private

PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you

would like assistance from a USPTO Customer Service Representative or access to the

automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NAG
NAG
7/25/2007

Ronald Laneau
Primary Examiner
Art Unit 3714

7/29/07